

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.1382 OF 2022

**SACHIN @ NARESH ASHOK PAWAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA**

...
Mr. Ujwal S. Patil, Advocate for Applicants
Mr. A.V. Deshmukh, APP for Respondents – State
Mr. R.V. Gore, Advocate for Informant
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 20th FEBRUARY, 2023

PER COURT :

1. Applicants apprehend arrest in Crime No.123/2022, registered with Hasanabad Police Station, Bhokarda, District Jalna, for offence punishable under sections 436, 354, 294, 380, 324, 504, 506 r/w 34 of the Indian Penal Code.

2. FIR is lodged by Chandrabhagabai w/o Tukaram Pawar against applicants alleging that on 10/06/2022 at about 04:30 to 05:00 a.m. in the morning applicants/accused came to her house and outraged modesty of her daughter-in-law. Her another daughter-in-law was also assaulted. She was made to fall on the ground and her neck was pressed and she was assaulted with fists and kick blows. Applicant Nos.3 and 4 set the heap of maize on fire and pelted stones due to which one daughter-in-law of informant received injury on forehead. It is further alleged that

applicants/accused have taken away gold ornaments worth Rs.40,000/-, from cupboard of the informant.

3. Heard learned advocate for applicants, learned Additional Public Prosecutor for State and learned advocate for informant. Perused the investigation papers.

4. Admittedly, the informant's side has filed R.C.S. No. 144/2019 for partition and separate possession and declaration that plaintiffs and defendant Nos.1 and 2 are the legal owners and occupants of property bearing Gut No.6/2, Latifpur, Taluka Bhokardar, District Jalna, and mutation entry regarding partition deed be declared as null and void.

5. Applicant No.4 has lodged FIR against informant's side on 08/06/2022, with the same police station for offence punishable under sections 436, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code, alleging that, on that day at about 08:00 to 09:00 a.m. in the morning informant's side started cutting old trees on the disputed land. When she tried to prevent the same, they called other accused, who arrived on the spot with axe, sticks and iron rods. They set on fire the drinking water pipe, bags of wheat, rice and groundnuts.

6. In the said crime, informant's side was granted

anticipatory bail by the Sessions Court vide order dated 16/07/2022.

7. From the investigation papers it *prima facie* appears that civil dispute is pending between the parties. Both the parties have lodged FIR against each other. There appears substance in the contention of learned advocate for applicants that only to increase gravity of offence, allegations of outraging modesty and stealing away gold ornaments are levelled against applicants in the FIR.

8. Applicants have no criminal antecedents and they are permanent residents of Latifpur Shivar, Taluka Bhokardan, District Jalna. Interim protection was granted to the applicants and they have cooperated in the investigation. Since nothing is to be recovered from applicants, custodial detention of applicants in the facts of the present case is not necessary.

9. In the result, application is allowed.

10. In the event of arrest of applicants in Crime No.123/2022, registered with Hasanabad Police Station, Bhokarda, District Jalna, for offence punishable under sections 436, 354, 294, 380, 324, 504, 506 r/w 34 of the Indian Penal Code, applicants be released on furnishing Personal Bond of Rs.15,000/- each, with one surety in the like amount. Applicant Nos. 1, 3 and 4 shall attend

concerned police station everyday between 23rd February, 2023 to 28th February, 2023, between 10:00 a.m. to 12:00 noon and thereafter till filing of charge-sheet, as and when called by investigating officer. Applicants shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)